THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19682 OF 2005

Dated 8th September 2005

Between:

A.Ramulu S/o.Yadagiri

aged 52 years, Secretary, Primary Agricultural

Co-Op.Society, G.Gouraram, Chinthapalli Mandal,

Nalgonda District.

…Petitioner

And

The Primary Agricultural Cooperative Society,

G.Gouraram, Chinthapalli Mandal, Nalgonda District

And another

…Respondents

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O R D E R:

The petitioner is employed as a Secretary in the first respondent society, which is now headed by a Person-in-charge. The petitioner was placed under suspension, through order dated 1.9.2005, on the allegation that in the Special Report dated 31.8.2005, it was noticed that the petitioner had misappropriated a sum of Rs.55,051/-. The petitioner challenges the same.

Sri L.J.Veera Reddy, learned counsel for the petitioner, submits that even where irregularities are noticed during the statutory enquiry, audit or inspection, any penal action can entail, only on the basis of the resolution of the society, or a

direction under Section 59(1) of the A.P. Cooperative Societies Act. He contends that the present action is taken, only on the strength of the report of a supervisor, and it cannot be sustained in law. He further submits that the order of suspension does not even indicate, whether any disciplinary enquiry is contemplated.

Learned Government Pleader for Cooperation, on the other hand, submits that the suspension ordered, against the petitioner, is not as a result of any statutory steps, but was warranted due to the revelation of the acts of misappropriation, resorted by him. He further contends that though the impugned order is not properly worded, it can easily be discerned that it is a measure pending enquiry, and the same does not call for any interference.

A perusal of the impugned order discloses that the petitioner was placed under suspension, on the allegation that he has misappropriated a sum of Rs.50,051/-. As of now, the special report dated 31.8.2005, submitted by the supervisor, is treated as the basis. This, in turn, has to be followed by a charge sheet, with specific allegations and the basis for the same. The truth or otherwise of the allegation, against the petitioner, would emerge only after the departmental enquiry is conducted. This Court is not inclined to interfere with the order of suspension, at this stage. The interest of the petitioner can be protected, by directing the first respondent herein, to conclude the enquiry, as early as possible. In view of the fact that the special report alone constituted the basis for the action against the petitioner, the disciplinary proceedings should not take much of a time.

For the foregoing reasons, the writ petition is disposed of, directing that the first respondent shall issue the charge memo to the petitioner, forthwith, conduct departmental enquiry, if necessary, and conclude the entire proceedings, within a period of three months, from the date of receipt of a copy of this order. The petitioner shall not cause any hindrance in the progress of the enquiry. In case, the enquiry is not concluded, within three months, from the date of receipt of a copy of this order, the petitioner shall be reinstated into service. There shall be no order as to costs.

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8th September 2005

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